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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,842	09/05/2003	Douglas Thai	PAT-1467CON	7067

7590

07/03/2006

Raymond Sun
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EXAMINER

MILLER, BENA B

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding:

Office Action Summary

Application No.

10/655,842

Applicant(s)

THAI, DOUGLAS

Examiner

Bena Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-35, 37-40 and 42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37, 39 and 42 is/are allowed.
- 6) ☒ Claim(s) 23-35, 38 and 40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Bena B. Miller

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on 05/09/06 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent No. 6,616,498 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of Baker & Noonan (US Patent 185,279) or Bradshaw (US Patent 660,485) or Gilchrist, Jr. (US Patent 2,393,039) or Limber (US Patent 2,560,582) in view of DeMars (US Patent 5,613,890).

The device of either, Baker & Noonan, Bradshaw, Gilchrist, Jr., or Limber reads on the claimed limitations including a housing (a, 5, 10, or 10, respectively), a trigger mechanism (f, 47, 48 or 36), a bubble generating ring (d, 22, 31 or 30), means for delivering (c, 24 and 40, 28 or 32), a link assembly (b, 20, 46 and 48, or 86), a motor (The Examiner takes the position that P' of Baker & Noonan acts as a spring motor when returning the lever to its position), an air generator (e of Baker & Noonan), a gear system (fig 1 of Baker & Noonan), a container and tubing (24 and 40 of Bradshaw). However, the device of Baker & Noonan, Bradshaw, Gilchrist, Jr., or Limber fails to teach an electrical contact. DeMars teaches a motorized bubble making toy gun having a trigger 18 that is connected with an electrical contact 30 (col. 3, lines 45-66). It would have been obvious to one having ordinary skill in the art to provide an electrical contact

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as suggested by DeMars for the device of Baker & Noonan, Bradshaw, Gilchrist, Jr., or Limber for the purpose of automatically activating the bubble producing toy.

Claims 23-33, 35, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMars (US Patent 5,613,890).

DeMars teaches in the figures most of the elements of the claimed invention including a housing (fig.1), a trigger mechanism (18; col. 3, lines 44-66), a link assembly (linkage including 40, 48, 60, 62, 72, 76, 78 and 118), ring (106), means for delivering (98 and 110) a stationary element (118; It should be noted that the Examiner takes the broadest reasonable interpretation of the word stationary¹. The Examiner takes the position that the wiper bar 118 is fixed in a station [i.e., onto housing 12] by mount 120) and a gear system (col. 5, par. 1 and 2). However, DeMars fails to teach that the trigger mechanism causes the ring to be moved against the stationary element. DeMars teach that stationary element 118 is moved back and forth across outer surface 106 to produce a film (col. 5, par. 3). It would have been obvious to one having ordinary skill at the time the invention was made to have the trigger mechanism cause the ring to be moved against the stationary element, since it has been held that mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeMars (US Patent 5,613,890 herein after '890) in view of DeMars (US Patent 5,498,191 herein after '191).

¹ Stationary: fixed in a station, course, or mode

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DeMars ('890) teaches most of the elements of the claimed invention, except for a collection funnel. DeMars ('191) teaches a bubble producing toy having a collection funnel attached thereto (88). It would have been obvious to one having ordinary skill in the art to incorporate a collection funnel as suggested by DeMars ('191) in the device of DeMars ('890) for the purpose of allowing excess liquid to drip within the funnel.

Allowable Subject Matter

Claims 37, 39 and 42 are allowed.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

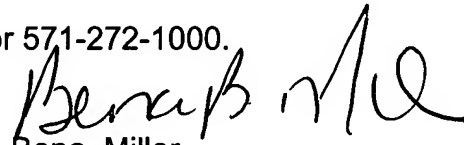
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bena Miller
Primary Examiner
Art Unit 3725

bbm
June 28, 2006